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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

E-FILED - 11/9/06

11 UNITED STATES OF AMERICA,) No. CR 05-00288 RMW
12 Plaintiff,)
13 v.) **STIPULATION TO CONTINUE
14 MARIO PONCE,) HEARING AND EXCLUDE TIME;
15 Defendant.) [] ORDER**
16 _____)

17 **STIPULATION**

18 Defendant and the government, through their respective counsel, hereby stipulate that,
19 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
20 Monday, October 23, 2006, at 9:00 a.m., be continued to Monday, October 30, 2006, at 9:00 a.m.
21 The parties are negotiating the terms of a plea agreement, and the defense requires time to
22 discuss the plea with Mr. Ponce.

23 The parties further agree that time should be excluded under the Speedy Trial Act because
24 the defense requires time for investigation and preparation, and the ends of justice outweigh the
25 defendant's and the public's need for a speedy trial.

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STIPULATION TO CONTINUE
HEARING DATE; [] ORDER
No. CR 05-00288 RMW

1 Dated: 10/20/06

/s/
LARA S. VENNARD
Assistant Federal Public Defender

2 Dated: 10/20/06

/s/
SUSAN KNIGHT
Assistant United States Attorney

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6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for October 23, 2006,
8 on grounds that the parties are negotiating the terms of a plea agreement, and the defense requires
9 time to discuss the plea with Mr. Ponce.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
11 presently set for October 23, 2006, be continued to October 30, 2006, at 9:00 a.m.

12 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
13 from October 23, 2006, from October 30, 2006, shall be excluded from the period of time within
14 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

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16 Dated: 11/9/06

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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